

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

EIGHTEENTH REGULAR MEETING

The Council met: Monday, December 19, 2011.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Absent and Excused: None.

On motion by Alderperson Dekker and second by Alderperson Hammond, the reading of the minutes of the Third Special Meeting held November 28, 2011 and the Seventeenth Regular Meeting held December 5, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

MAYOR'S APPOINTMENTS

December 19, 2011

HONORABLE MEMBERS OF THE COMMON COUNCIL:

David Biebel, to be appointed as Director of Public Works upon passage and publication of ordinance.

Bob Ryan, Mayor

A motion by Alderperson Dekker and second by Alderperson Hammond to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Dekker and second by Alderperson Hammond, the foregoing Appointment was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

CONFIRMATION OF MAYOR'S APPOINTMENTS

December 5, 2011

To the Honorable Members of the Common Council:

Pursuant to the requirements of Sec. 7.30 of the Wis. Stats., I herewith submit for your approval the list of nominations for Election Inspectors for all elections in 2012.

The aforementioned section of the law stipulates the manner in which Election Officials shall be chosen, and I tender my appointments as follows, to retain as much seniority and experience as is possible, while complying with the State Law.

Respectfully submitted,

BOB RYAN

Mayor

On motion by Alderperson Dekker and second by Alderperson Hammond, the Appointments were confirmed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

PUBLIC FORUM

Milt Storm, 1736 Marvin Ct., Dimple Adams, 1424 Virginia Ave., Robert Theis, 1628 S. 13th St. and Sara Oyler, 312 Ontario Ave. spoke. A motion was made by Alderperson Dekker and second by Alderperson Hammond to give Robert Theis 1 extra minute to speak.

MAYOR'S ANNOUNCEMENTS

A recess was held from 8:20 PM to 8:25 PM.

HEARING

Hearing No. 9 – 11 – 12. December 19, 2011.

Pursuant to a notice published and personal notices sent by the City Clerk, there is a hearing scheduled for this evening to amend the City of Sheboygan Official Zoning Map to change the Use District Classification of the following described property from Class located at 1426 N. 28th St. from Class SC Suburban Commercial to Class MR-8 Mixed Residential-8 District.

Property located at 1426 N. 28th St., Section 21, T15N, R23E

December 19, 2011

Being part of the NE ¼ of the NE ¼ of Section 21, T15N, R23E, in the City of Sheboygan being more particularly described as:

O. C. Neumeisters RE Subdivision No. 2 South 60 feet of Lot 2, Block 3 and the South 60 feet of Lot 6, Block 7, Smith Garden, S21, T15, R23.

All interested persons will now be heard. Rosemary Trester, 2110 N. 9th St. spoke.

On motion by Alderperson Dekker and second by Alderperson Hammond, the Hearing was closed, all Alderpersons present voting "Aye".

On motion by Alderperson Dekker and second by Alderperson Hammond, the following documents notated with an asterick (*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

REPORTS OF OFFICERS

***R. O. No. 306 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. December 19, 2011.**

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

2291	Raimund Immig 1624 Mapletree Dr Howards Grove, WI 53083	Carpenter Contractor
2282	Craig Murdock 5732 95 th Ave #700 Kenosha, WI 53144	Carpenter Contractor
1982	Ryan Shefchik 2785 Manitowoc Rd Green Bay, WI 54311	Carpenter Contractor
2006	Zack Johnson 812 Swift Avenue Sheboygan, WI 53081	Carpenter Contractor
1227	Fernando Pena 925A Indiana Avenue Sheboygan, WI 53081	Carpenter Contractor
1159	Jerrold Steffes 810 Church Street St Cloud, WI 53079	Carpenter Contractor

***R. O. No. 307 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. December 19, 2011.**

Pursuant to State of Wisconsin Comm. 5 and City of Sheboygan Municipal Code, Section 26-355, the following licenses have been issued:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1437	Todd Luedtke W4005 County Road A Cedar Grove, WI 53013	Electrical Contractor
1298	Scott Nejedlo 2000 Progress Way Kaukauna, WI 54130	Electrical Contractor
1432	Steven P Kohls 1875 Sanfernando Elm Grove, WI 53122	Electrical Contractor
1433	Rob Davis 1513 Lorain Ct Appleton, WI 54914	Electrical Contractor
1434	Brett A Schulz 4173 S 72 nd St Greenfield, WI 53220	Electrical Contractor
1382	Mark Borden 2504 Broken Hill Ct Waukesha, WI 53188	Electrical Contractor
1394	Chad Smith	Electrical Contractor

1431	7533 Lakeview Rd West Bend, WI 53090 Timothy Willms 809 N Britton Rd Union Grove, WI 53182	Electrical Contractor
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***R. O. No. 308 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. December 19, 2011.**

Attached hereto we are submitting the following application for an electrical license:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
66	Frederick Luedtke 1020 Park Avenue Oostburg, WI 53070	Journeyman Electrician License
1435	Kathryn Theys 1640 N Taylor Dr, Apt. B Sheboygan, WI 53081	Journeyman Line Technician
1436	Aaron R Heim 2118 Meadowland Dr, Apt 103 Sheboygan, WI 53081	Journeyman Line Technician

***R. O. No. 309 - 11 - 12. By BOARD OF WATER COMMISSIONERS. December 19, 2011.**

We, hereby, submit the Board of Water Commissioners' Report on the Water Utility for the third quarter of 2011.

The water pumpage was up 2.31% from the same period in 2010. 1,333,406,000 gallons were pumped in the third quarter, compared to 1,303,290,000 in 2010.

Year to date Operating Revenue at the end of the 3rd quarter increased by \$237,631 compared to year to date 2010. The net income for the Utility, as of the end of September 30, 2011 is \$1,120,864. Details are shown on the attached Income Statement and Balance Sheet.

Construction-Maintenance:

Construction-maintenance work by the Water Utility during the third quarter of 2011:

Number of feet of 4 inch water main installed	0.0
Number of feet of 6 inch hydrant lead installed	96.0
Number of feet of 6 inch water main installed	0.0
Number of feet of 8 inch water main installed	35.0
Number of feet of 12 inch water main installed	404.4
Number of feet of 16 inch water main installed	15.9
Number of feet of 20 inch water main installed	2602.8
Number of feet of 24 inch water main installed	0.0
Number of feet of water main abandoned or removed.....	5
Number of water main breaks repaired	3
Number of fire hydrants installed, replaced, relocated, removed, flushed, or major repairs made.....	17
Number of water main valves installed, repaired, removed, or replaced	20
Number of water service connections installed	7

Details are shown on the attached spreadsheets.

Other Utility Business:

The Utility inspected its 30" intake pipeline using a remote video camera that traveled through the entire length of the pipe. Overall the intake's condition is good.

Water main installation was completed on Eisner Avenue and S. 13th Street.

The Utility began working toward a November 1 implementation of a new payment platform that will reduce the cost of credit card payments.

Utility staff repaired a failing masonry wall from the 1929 section of the water treatment plant.

Attachments - Balance Sheet
Income Statement
Distribution System Quarterly Report
High Lift Delivery Quarterly Report

***R. O. No. 310 - 11 - 12. By CITY CLERK. December 19, 2011.**

Submitting various license applications.

COMMERCIAL OPERATORS LICENSE APPLICATION (December 31, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2056	Autumn Ridge Landscaping	1244 Heermann Ct.
2435	Curb It LLC	W7500 Shady Ln., Plymouth
2110	Four Seasons Property Care	2029 N. 27 th Pl.
1176	Grass Cuts Lawn Service	2532 S. 14 th St.
2608	Land Steward Enhancements	N5947 Willow Rd., Plymouth
2851	Lighthouse Lawn Care	1127 N. 12 th St.
2012	M & K Lawn Services	145 Foxglove Ln., Sheboygan Falls
2611	Mullens Siding & Roofing	1313 Michigan Ave.
1770	TDN Utility Services	1075 Fond Du Lac Ave., Sheboygan Falls

MASSAGE ESTABLISHMENT LICENSE APPLICATION (12/31/2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2586	In Balance Therapeutics	832 N. 6 th St.
2868	Intouch	314 Niagara Ave.
2792	Integrated Health Therapies	833 Pennsylvania Ave.
1205	Jomaji Salon & Spa Inc.	682 South Pier Dr.
1701	Salon Sase	631 Riverfront Dr.

SECONDHAND DEALER LICENSE APPLICATION (December 31, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1302	Rudnick Jewelers	919 N. 8 th St.

***R. O. No. 311 - 11 - 12. By CITY PLAN COMMISSION. December 19, 2011.**

Your Commission to whom was referred Res. No. 114-11-12 relative to authorizing the appropriate City officials to execute the Reservation of Restrictions required by the DNR Stewardship Program upon the City-owned Gateway Neighborhood Park Parcel (NE corner of North 10th St. and Erie Ave.); wishes to report this matter was discussed at the regular meeting of the City Plan Commission on December 13, 2011, and after due consideration recommends approval of the Resolution as presented.

***R. O. No. 312 - 11 - 12. By CITY PLAN COMMISSION. December 19, 2011.**

Your Commission to whom was referred Res. No. 115-11-12 relative to approving the Capital Improvements Program recommended by the Capital Improvements Commission, for the program period of 2012 and adopting the program for implementation; wishes to report this matter was discussed at the regular meeting of the City Plan Commission on December 13, 2011, and after due consideration recommends approval of the Capital Improvements Program as presented.

***R. O. No. 313 - 11 - 12. By REDEVELOPMENT AUTHORITY. December 19, 2011.**

Your Authority to whom was referred R. O. No. 279-11-12 relative to submitting a communication from Randy Schwoerer, Harbor Centre BID Manager, requesting permission to create a skating rink for 2011-2012 on South Pier; recommends approval of the request contingent upon the execution of a hold harmless agreement.

R. O. No. 314 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting an application for a private well permit for:

Gerald J. Geibel, 4906 S. 10th St.

Lies over under the rules.

R. O. No. 315 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting a communication from Paul and Lisa Roberts of Anglers Avenue requesting two encroachments for its new restaurant project in the South Pier District.

Was referred to the City Plan Commission.

R. O. No. 316 - 11 - 12. BY BOARD OF WATER COMMISSIONERS. December 19, 2011.

Submitting, as a matter of record, in accordance with the Finance Committee request dated March 1, 1991, the Sheboygan Water Utility's Budget for the year 2012.

Was referred to the Committee on Finance.

R. O. No. 317 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting a communication from Lyn & Art Chevrier stating that they are appalled that we now have an additional assessment to the Water bill for covering a deficit for the garbage pickup.

Was referred to the Committee on Finance.

R. O. No. 318 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.
Was referred to the Committee on Law and Licensing.

R. O. No. 319 - 11 - 12. By DEVELOPMENT MANAGER. December 19, 2011.

Submitting a request from Chad Pelishek, Development Manager, requesting approval of 252 foot Great Lakes Cruise Ship, Yorktown, to dock in the Sheboygan Harbor starting in June 2012 and waiving any related docking fees for the calendar year 2012.

Was referred to the Marina and Harbor Committee.

R. O. No. 320 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting a communication from Mike Pelzel of Four Seasons Comfort LLC requesting a settlement to lower the penalty fees incurred when he didn't pull permits to install 80-82 furnace units.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 321 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting a communication from Jesse Arnold requesting a waiver from the Sex Offender Residency restrictions in order to live at 1011A Ontario Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 322 - 11 - 12. By CITY CLERK. December 19, 2011.

Submitting a communication from the State of Wisconsin Department of Corrections filing a waiver to the Sex Offender Residency restrictions on behalf of Jeremy J. Hamilton in order for him to be placed at a Transitional Living Placement (TLP).

Was referred to the Committee on Public Protection and Safety.

R. O. No. 323 - 11 - 12. By DIRECTOR OF PUBLIC WORKS. December 19, 2011.

Submitted for City Council consideration is a recommendation to engage Donohue and Associates, Inc. to provide professional services associated with the installation of bio-solids disposal and handling equipment at the wastewater treatment plant.

Was referred to the Committee on Public Works.

RESOLUTION INTRODUCED

Res. No. 117 – 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. December 19, 2011.

A RESOLUTION accepting the amendment of the City of Sheboygan Health Reimbursement Arrangement Agreement with Diversified Benefit Services.

RESOLVED: That the City of Sheboygan Health Reimbursement Arrangement (the "Plan") be amended in the form attached hereto, which amendment is hereby adopted and approved, effective January 1, 2012.

BE IT FURTHER RESOLVED: That the appropriate officers of the City of Sheboygan, be and they hereby are, authorized and directed to execute said amendment on behalf of the City of Sheboygan;

NOW, THEREFORE BE IT RESOLVED: That the appropriate officers of the City of Sheboygan be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

On motion by Alderperson Roeseler and second Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: None.

Abstain: Kittelson – 1.

Res. No. 118 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. December 19, 2011.

A RESOLUTION lifting the hiring freeze in order to hire one (1) Superintendent of Streets and Sanitation in the Department of Public Works.

WHEREAS, the City of Sheboygan passed Res. No. 28-10-11 that extended the hiring freeze to December 31, 2011;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council; and

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring one (1) Superintendent of Streets and Sanitation.

December 19, 2011

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of one (1) Superintendent of Streets and Sanitation in the Department of Public Works.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

Res. No. 119 – 11 – 12. Alderpersons Boeldt, Bohren, Carlson, Dekker, Hammen, Heidemann, Kath, Kittelson, Roeseler, Sampson, Van Akkeren, VanderWeele. December 19, 2011.

A RESOLUTION that the City of Sheboygan Common Council hereby suspends any additional removal proceedings involving Mayor Robert Ryan, but reserves the right, pursuant to Sec. 17.16, Wis. Stats, and further based upon the allegations as set forth below, to reconsider such proceedings at a later date and that the City of Sheboygan Common Council reserves its right under Sec. 17.16, Wis. Stats. to reconsider this matter upon those allegations already having been investigated, future conduct/allegations as may arise, and/or as circumstances may require.

WHEREAS, the City of Sheboygan Common Council received numerous complaints from resident taxpayers of the City of Sheboygan which included allegations of misconduct, malfeasance, and inefficiency in office by Mayor Robert Ryan dated August 8, 2011 (Complainant Patrick A. Gillette) and August 19, 2011 (Complainant Patrick A. Gillette);

WHEREAS, the City of Sheboygan Common Council, upon receiving, reviewing, and discussing said Complaints, undertook the responsibility of investigating and evaluating the allegations contained therein and would consider the removal of Mayor Robert Ryan pursuant to Wisconsin Statutes following the completion of any investigation;

WHEREAS, the City of Sheboygan Common Council, under Sec. 17.001, 17.12, and 17.16, Wis. Stats. hired Attorney Steven M. Biskupic as special prosecutor to conduct an investigation under said statutory sections and hired Attorney Joseph J. Voelkner to advise the Common Council as to due process and/or serve as a liaison between Mr. Biskupic and the Sheboygan Common Council;

WHEREAS, Special Prosecutor Steven M. Biskupic was engaged and did investigate the following allegations:

- a. Allegations of Mayor Robert Ryan having been publicly intoxicated and allegations of incidents related thereto in Elkhart Lake, WI on or about the weekend of July 23, 2011;
- b. Allegations of Mayor Robert Ryan having been intoxicated and allegations of improper conduct relating thereto while attending seminars and out of town business meetings including, but not limited to, December of 2009, June of 2010, and June of 2011;
- c. Allegations of Mayor Robert Ryan engaging in sexual harassment of former City of Sheboygan employee Angela Payne in violation of the Wisconsin Fair Employment Act (*Angela Payne v. City of Sheboygan*, ERD Case No. CR200903597, EEOC Case No. 26G201000229C), in which the City of Sheboygan paid its self-insured retention for defense of the matter in the amount of \$75,000.00, and its insurer paid for the continued defense of the matter and subsequently settled the dispute for the sum of \$310,000.00 following those allegations as set forth in Paragraph (a) above.
- d. An allegation of Mayor Robert Ryan's misuse of municipal resources in which said allegations were referred by Special Prosecutor Steven M. Biskupic to the State of Wisconsin Government Accountability Board for consideration;
- e. Allegations of Mayor Robert Ryan having been untruthful to the members of the Sheboygan County Common Council as well as the full Common Council as to those allegations surrounding his conduct in Elkhart Lake, WI on or about the weekend of July 23, 2011, as well as those allegations involving *Angela Payne v. City of Sheboygan*, previously referenced;
- f. Allegations of Mayor Robert Ryan having abused the parliamentary procedures of the City of Sheboygan Common Council at various council meetings; and
- g. Allegations of Mayor Robert Ryan having violated Secs. 2-266 and 2-267 of the Sheboygan Ethics Code regarding official and personal conduct.

WHEREAS, Special Prosecutor Steven M. Biskupic conducted an investigation into the aforementioned allegations commencing September 21, 2011 and continuing to the present, and has now concluded his investigation;

WHEREAS, during the course of his investigation, Special Prosecutor Steven M. Biskupic learned of allegations and/or information regarding Mayor Robert Ryan engaging in uninvited sexual contact (4th degree sexual assault per Sec. 940.225(3m), Wis. Stats.) of a woman in Elkhart Lake, Wisconsin occurring on or about July 23, 2011 in Elkhart Lake, WI;

WHEREAS, those allegations referenced in the immediately preceding paragraph regarding alleged uninvited sexual contact occurring on or about July 23, 2011 were provided to the Sheboygan County District Attorney's Office by Special Prosecutor Steven M. Biskupic, with the investigation of those allegations conducted by the Fond du Lac County Sheriff's Department due to the recusal of the Sheboygan County Sheriff's Department;

December 19, 2011

WHEREAS, the Fond du Lac County Sheriff's Department has concluded its investigation of the allegations of uninvited sexual contact previously referenced, and the matter has been returned to the Sheboygan County District Attorney's Office by the Fond du Lac County Sheriff's Department for consideration and evaluation;

WHEREAS, under Sec. 17.16(7), Wis. Stats., Mayor Robert Ryan or other witnesses would be provided with immunity for that testimony, documentation, or other evidence required of him/her that he/she may offer at a quasi judicial hearing;

WHEREAS, organizers of a recall petition for a recall election of Mayor Robert Ryan gathered and submitted the requisite number of signatures and obtained approval to conduct a primary recall election on January 17, 2012, with a recall election to take place (if necessary) on February 21, 2012;

WHEREAS, the City of Sheboygan Common Council, following its consideration of the investigation performed by Special Prosecutor Steven M. Biskupic, believes sufficient grounds exist to commence a quasi judicial hearing;

WHEREAS, the City of Sheboygan Common Council, in order to comply with the due process requirements of Sec. 17.16, Wis. Stats., is required to provide Mayor Robert Ryan and his counsel sufficient time by which to prepare a defense to any allegations that are the subject of a quasi judicial hearing, and in consideration of the due process rights of Mayor Ryan in allowing adequate and equitable amounts of time to prepare same, does not believe a quasi judicial hearing can be completed by January 17, 2012;

WHEREAS, the City of Sheboygan Common Council, in deference to their constituents and the voters of the City of Sheboygan, the determination of the Sheboygan County District Attorney concerning those allegations of uninvited sexual contact referenced above, and in consideration of the upcoming recall primary and/or run-off election, have elected to suspend consideration of further removal proceedings at this time;

WHEREAS, the City of Sheboygan Common Council does not make any factual determinations as those allegations referenced above and makes no determinations at the present time as to whether to conduct a quasi judicial proceeding under Sec. 17.16, Wis. Stats.

NOW, THEREFORE, FOR THOSE REASONS STATED ABOVE:

RESOLVED: That the City of Sheboygan Common Council hereby suspends any additional removal proceedings involving Mayor Robert Ryan, but reserves the right, pursuant to Sec. 17.16, Wis. Stats, and further based upon the allegations as set forth above, to reconsider such proceedings at a later date.

BE IT FURTHER RESOLVED: That the City of Sheboygan Common Council reserves its right under Sec. 17.16, Wis. Stats. to reconsider this matter upon those allegations already having been investigated, future conduct/allegations as may arise, and/or as circumstances may require.

Mayor Ryan relinquished the Chair to the President of Council, Alderperson Dekker, in order to speak on the Resolution.

A motion by Alderperson Hammond and second by Alderperson Versey was made to pass the Resolution.

Before action was taken thereon, a motion was made by Alderperson Sampson and second by Alderperson Versey, to close the floor to Mayor Ryan was passed on call of the roll:

Ayes: Boeldt, Bohren, Dekker, Heidemann, Kath, Sampson, Van Akkeren, Versey – 8.

Nays: Carlson, Hammen, Hammond, Kittelson, Matichek, Roeseler, VanderWeele – 7.

A motion by Alderperson Hammond and second by Alderperson Versey to open the floor to Attorney Voelkner, all Alderpersons present voting "Aye".

A motion by Alderperson Carlson and second by Alderperson VanderWeele was made to amend to "to terminate all proceedings, lost on call of the roll:

Ayes: Carlson, Hammen, Hammond, Matichek, Roeseler, Van Akkeren, VanderWeele – 7.

Nays: Boeldt, Bohren, Dekker, Heidemann, Kath, Sampson, Versey – 7.

Abstain: Kittelson – 1.

On motion by Alderperson Hammond and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Dekker, Hammen, Hammond, Heidemann, Kath, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 12.

Nays: Carlson, Matichek – 2.

Res. No. 120 – 11 – 12. By Alderpersons Versey, Bohren, Heidemann and Sampson. December 19, 2011.

A RESOLUTION that the City of Sheboygan's Police Department, Fire Department, Department of Public Works, Library, and the Transit Department reduce their current 2012 Budget by 2% wage and benefits and 1% non-wage for 2013.

A motion by Alderperson Versey and second by Alderperson Bohren to suspend the rules of the Common Council was passed by unanimous consent.

A motion by Alderperson Versey and second by Alderperson Bohren was made to pass the foregoing Resolution.

Before action was taken thereon, a motion was made by Alderperson Versey and second by Alderperson Van Akkeren to refer the Resolution to the Committee on Finance, passed all Alderpersons present voting "Aye".

Res. No. 121 - 11 - 12. By Alderperson Bohren. December 19, 2011.

A RESOLUTION authorizing entering into agreement with Donohue & Associates for engineering services associated with Solids Dewatering and Drying Improvements at the wastewater treatment plant.

Was referred to the Committee on Public Works.

Res. No. 122 - 11 - 12. By Alderpersons Versey, Bohren, Heidemann and Sampson. December 19, 2011.

A RESOLUTION authorizing the City of Sheboygan to extend the current hiring freeze until December 31, 2013.

RESOLVED: That the City of Sheboygan shall extend the current hiring freeze for budgetary reasons until December 31, 2013.

A motion was made by Alderperson Versey and second by Alderperson Bohren to pass the Resolution.

Before action was taken thereon, a motion was made by Alderperson Roeseler and second by Alderperson Hammond to refer the Resolution to the Committee on Salaries and Grievances passed on call of the roll:

Ayes: Boeldt, Carlson, Dekker, Hammen, Hammond, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele – 10.

Nays: Bohren, Heidemann, Kath, Sampson, Versey – 5.

REPORTS OF COMMITTEES

***R. C. No. 263 - 11 - 12. By WHOLE. December 19, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 281-11-12 by the City Clerk submitting a communication from Dimple Adams stating her concerns about the election for Alderpersons for District #5, privatizing garbage collection, Committee of the Whole meetings in closed session and Executive Powers of the City stopping with the President of the Council; and
2. R. O. No. 282-11-12 by the City Clerk submitting a communication from Alderperson Bohren being a survey of Mayor salaries from various municipalities;

recommends that the documents be placed on file.

***R. C. No. 264 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 19, 2011.**

Your Committee to whom was referred R. O. No. 297-11-12 by the City Clerk submitting a communication from Ron Van Rooyen, President of RCS Empowers, requesting that a painted crosswalk pavement marking across Geele Ave. between N. 15th St. and Calumet Dr.; recommends that the document be placed on file.

***R. C. No. 265 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. December 19, 2011.**

Your Committee to whom was referred R. O. No. 302-11-12 by the Fire Chief submitting his report of departmental activity for the period commencing July 1, 2011, and ending September 30, 2011; recommends that the document be accepted and placed on file.

R. C. No. 266 - 11 - 12. By LAW AND LICENSING. December 19, 2011.

Your Committee to whom was referred R. O. No. 199-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Driver License No. 6409 be denied based upon his failure to accurately reveal all relevant convictions on his application and his failure to cooperate with the Committee.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

R. C. No. 267 - 11 - 12. By LAW AND LICENSING. December 19, 2011.

Your Committee to whom was referred R. O. No. 216-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License No. 8415 be denied based upon her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

***R. C. No. 268 - 11 - 12. By LAW AND LICENSING. December 19, 2011.**

December 19, 2011

Your Committee to whom was referred, pursuant to R. O. No. 259-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9367	Krejci, Dan P.
9381	Prahl, Alisa P.
9204	Sherman, Lynneha M.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 269 - 11 - 12. By LAW AND LICENSING. December 19, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 283-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:
TAXICAB OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9386	Hermann, Ryan M.
8898	Mendez, Mary Jane
9383	Valdez, Pablo Cesar

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 270 - 11 - 12. By LAW AND LICENSING. December 19, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 295-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9397	Duncan, Lynn E.
9403	Gonzalez, Amanda M.
9405	Koch, Jacqueline M.
9393	Kohlhagen, Justin J.
9398	Reichert, Mark E.
9399	Schroeder, Jarrod M.
9400	Storm, Patrick W.
9402	Trout, Autumn E.
6781	Wilson, Charles P.

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9395	Marshall, Thomas J.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

R. C. No. 271 - 11 - 12. By SALARIES AND GRIEVANCES. December 19, 2011.

Your Committee discussed and reviewed the City of Sheboygan's Department of Public Works Reorganization and Strategic Plan and recommended approval of the plan.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Report of Committee was accepted and adopted, all Alderpersons present voting "Aye".

R. C. No. 272 - 11 - 12. By SALARIES AND GRIEVANCES. December 19, 2011

Your Committee to whom was referred R. C. No. 262-11-12 by Public Works and a copy of proposed General Ordinance 52-11-12; recommends that the proposed Ordinance be placed on file and that an Ordinance be drafted amending the Municipal Code to provide for the appointment of the Director of Public Works by the Common Council based on the recommendation of the Chief Administrative Officer and Mayor; at-will appointment; to be effective upon passage and publication. On and after July 1, 2012, any appointment by the Council based on the recommendation of the Chief Administrative Officer and Mayor from a list of qualified candidates provided by the Civil Service Commission.

On motion by Alderperson Roeseler and second by Alderperson Versey, to file the documents was passed, all Alderpersons present voting "Aye".

R. C. No. 273 - 11 - 12. By SALARIES AND GRIEVANCES. December 19, 2011.

December 19, 2011

Your Committee at the meeting of Monday, December 12, 2011, discussed Chairperson Roeseler's document entitled Proposal to Reduce the Size of the Sheboygan Common Council Down to Eight Alderpersons, a copy of which is attached hereto, recommends that the attached proposal to reduce the size of Common Council to Eight Alderpersons as set forth in the document be addressed by the full Common Council.

A motion by Alderperson Roeseler and second by Alderperson Kittelson was made to move forward and to draft the appropriate documents.

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Kittelson was made to refer to the Committee of the Whole. Motion was withdrawn.

A motion was made by Alderperson Hammond and second by Alderperson Dekker to call the question, passed all Alderpersons present voting "Aye".

A motion to move forward and draft a document lost on call of the roll:

Ayes: Hammen, Kittelson, Roeseler, Sampson, Versey – 5.

Nays: Boeldt, Bohren, Carlson, Dekker, Hammond, Heidemann, Kath, Matichek, Van Akkeren, VanderWeele – 10.

***R. C. No. 274 - 11 - 12. By PUBLIC WORKS. December 19, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 305-11-12 by the Purchasing Agent submitting bids for the purchase of industrial chemicals for the Wastewater Treatment Plant; and
2. Res. No. 116-11-12 by Alderperson Bohren authorizing entering into contract for the purchase of Wastewater Treatment Plant Chemicals Sodium Hypochlorite & Sodium Bi-Sulfite for calendar year 2012; recommends that the Report of Officer be accepted and placed on file and the Resolution be passed.

RESOLUTIONS ON SECOND READING

***Res. No. 114 - 11 - 12. By Alderperson Sampson. December 5, 2011.**

A RESOLUTION authorizing the appropriate City officials to execute the Reservation of Restrictions required by the DNR Stewardship Program upon the City-owned Gateway Neighborhood Park Parcel (NE corner of North 10th St. and Erie Ave.)

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the Reservation of Restrictions, a copy of which is attached hereto and incorporated herein.

***Res. No. 115 - 11 - 12. By Alderpersons Hammond, Versey and Sampson. December 5, 2011.**

A RESOLUTION approving the Capital Improvements Program recommended by the Capital Improvements Commission, for the program period of 2012 and adopting the program for implementation.

WHEREAS, the Capital Improvements Commission is served with the responsibility of annually considering requests and establish priorities for municipal improvements, and

WHEREAS, the Commission considered many requests and proposals for the various departments in the City of Sheboygan.

RESOLVED: That the 2012 Capital Improvements Program for the City of Sheboygan is hereby approved and adopted for implementation.

***Res. No. 116 - 11 - 12. By Alderman Bohren. December 5, 2011.**

A RESOLUTION authorizing the Purchasing Agent to enter into contract for the purchase of Wastewater Treatment Plant Chemicals Sodium Hypochlorite & Sodium Bi-Sulfite for Calendar 2012.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into contract with KA Steel Chemicals for the purchase of approximately 60,000 gallons of Sodium Hypochlorite in 2012, and with PVS Chemicals for the purchase of approximately 30,000 Gallons of Sodium Bi-sulfite in 2012 all in accordance with City of Sheboygan Bid No. 1687-11 A.

BE IT FURTHER RESOLVED: That the appropriate City Officials are hereby authorized to draw orders on the Wastewater System Fund Account Number 60138300-530410 in payment of same.

ORDINANCES INTRODUCED

Gen. Ord. No. 54 – 11 – 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. December 19, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to change the Job Descriptions for the positions of Fire Chief and Deputy Fire Chief in the Fire Department for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section C. 1. Fire Department as follows:

C. FIRE DEPARTMENT

1. Fire Department – Sworn Officers

DELETE:

	Job Code	Class Grade	NO. of Employees
Fire Chief	A09000D	14D	1.0
Deputy Fire Chief	A09030D	12G	1.0

ADD:

Fire Chief	A09000D	14D	1.0
Deputy Fire Chief	A09030D	12G	1.0

Section 2. The new job descriptions for the Fire Chief and Deputy Fire Chief in the Fire Department are attached, and copies of which shall be on file in the offices of the City Clerk, City Finance Department and Human Resources Department.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect from and after its passage and publication.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 14.

Nays: Bohren – 1.

Gen. Ord. No. 55 – 11 – 12. By Alderpersons Roeseler, Kittelson, Versey, Dekker and Sampson. December 19, 2011.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Streets & Sanitation Supervisor and create the Job Description of Streets & Sanitation Superintendent in the Public Works Department for the City of Sheboygan.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 29-75 of the 1975 Sheboygan Municipal Code entitled, "List of Classes and Class Specifications," is hereby amended in Section B. 2. 3. 4. Department of Public Works as follows:

B. DEPARTMENT OF PUBLIC WORKS

DELETE:

	Job Code	Class Grade	NO. of Employees
Manager – Buildings & Grounds	B08000D	09	1.0
Superintendent – Parks/Forestry/ Cemetery	C08000D	10	1.0
Streets & Sanitation Supervisor	I08000D	07	1.0

ADD:

Buildings/Grounds & MVD Superintendent	B08000D	10	1.0
Superintendent – Parks & Forestry	C08000D	10	1.0
Streets & Sanitation Superintendent	I08000D	10	1.0

Section 2. The new job description for the Streets & Sanitation Superintendent in the Department of Public Works is attached, and copies of which shall be on file in the offices of the City Clerk, City Finance Department and Human Resources Department.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance and attached job descriptions shall be in effect January 1, 2012.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

Gen. Ord. No. 56 – 11 - 12. By Alderpersons Roeseler, Dekker, Kittelson, Sampson and Versey. December 19, 2011.

December 19, 2011

AN ORDINANCE repealing and recreating Subsection 2-397(b) of the Sheboygan Municipal Code relating to the appointment of the director of public works.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subsection 2-397(b) of the Sheboygan Municipal Code entitled "Appointment and term" is hereby repealed and recreated to read as follows:

"Sec. 2-397. *Director.*

(b) *Appointment.* The director of public works shall be appointed by the common council based on the recommendation of the chief administrative officer and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure. Effective for appointments made on and after July 1, 2012, the common council shall appoint based on the recommendation of the chief administrative officer and the mayor from a list of qualified candidates provided by the civil service commission."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey — 15.

Nays: None.

Gen. Ord. No. 57 - 11 - 12. By Alderperson Sampson. December 19, 2011.

AN ORDINANCE repealing and recreating the text of Subsection 15.205(12) of the City of Sheboygan Official Zoning Ordinance relating to regulations applicable to large scale buildings, so as to include industrial buildings.

Was referred to the City Plan Commission.

Gen. Ord. No. 58 - 11 - 12. By Alderpersons Sampson and Matichek. December 19, 2011.

AN ORDINANCE granting Anglers Avenue, LLC, its successors and assigns, the privilege of encroaching upon described portions of the public promenade located at 518 South Pier Drive in the City of Sheboygan for the purpose of building and maintaining a dining patio.

Was referred to the City Plan Commission.

Gen. Ord. No. 59 - 11 - 12. By Alderpersons Sampson and Matichek. December 19, 2011.

AN ORDINANCE granting Anglers Avenue, LLC, its successors and assigns, the privilege of encroaching upon described portions of the public promenade located at 510 South Pier Dr. in the City of Sheboygan for the purpose of building and maintaining a Dining Patio.

Was referred to the City Plan Commission.

Gen. Ord. No. 60 - 11 - 12. By Alderperson VanderWeele. December 19, 2011.

AN ORDINANCE repealing and recreating Section 2-842 of the Sheboygan Municipal Code relating to retention/disposition of city records.

Was referred to the Committee on Law and Licensing.

MATTERS LAID OVER

R. O. No. 292 - 11 - 12. By CITY PLAN COMMISSION. December 5, 2011.

Your Commission to whom was referred Gen. Ord. No. 48-11-12 relative to amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at 1426 North 28th Street from SC Suburban Commercial to MR-8 Mixed Residential-8 District Classification; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, November 29, 2011, and after due consideration, recommends approval of the Ordinance.

Gen. Ord. No. 48 - 11 - 12. By Alderperson Sampson. November 21, 2011.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to establish the Use District Classification of property located at 1426 N. 28th St. from Class SC Suburban Commercial to Class MR-8 Mixed Residential-8 District.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

December 19, 2011

Section 1. Appendix A, Chapter 15, of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby amended by changing the Official Zoning Map thereof and establishing the Use District Classification of the following described lands from Class SC Suburban Commercial to MR-8 Mixed Residential-8 Classification.

Property located at 1426 N. 28th St., Section 21, T15N, R23E

Being part of the NE ¼ of the NE ¼ of Section 21, T15N, R23E, in the City of Sheboygan being more particularly described as:

O. C. Neumeisters RE Subdivision No. 2 South 60 feet of Lot 2, Block 3 and the South 60 feet of Lot 6, Block 7, Smith Garden, S21, T15, R23.

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

On motion by Alderperson Sampson and second by Alderperson Hammen, the Report of Officer was accepted and placed on file and the Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

R. O. No. 293 - 11 - 12. By CITY CLERK. December 5, 2011.

Submitting a communication from the residents of Settlement Trail thanking the Common Council and the members of the Public Protection and Safety Committee for providing their neighborhood with street lights.

On motion by Alderperson Dekker and second by Alderperson Hammond, the Report of Officer was accepted and placed on file, all Alderpersons present voting "Aye".

There being no further business, on motion by Alderperson Dekker and second by Alderperson Hammond, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk